EPFAQ 2014-008 Draft Response

Question:

May a licensee that has submitted certification confirming cessation of operation and removal of fuel from the reactor vessel (Ref. 10 C.F.R. 50.82) remove certain emergency plan implementing procedure (EPIP) statements/process/steps/actions that do not implement programmatic elements described in the emergency plan?

Background:
The emergency plan identifies and describes programmatic methods necessary for maintaining emergency preparedness and responding to emergencies. These methods are known as program elements and they characterize implementation aspects of the planning standards in 10 CFR 50.47(b). They also relate to requirements in Appendix E to 10 CFR Part 50 and generally correspond to the evaluation criteria of NUREG-0654 or approved alternatives that provide specific acceptable methods for complying with the planning standards in 10 CFR 50.47(b) and the requirements in Appendix E to 10 CFR Part 50. Such programmatic documents are subject to the 10 CFR 50.54(q) change process.

EPIPs may describe processes:

- That implement programmatic elements described in the emergency plan,
- That do not implement programmatic elements described in the emergency plan.

For example, the emergency plan may specify the minimum staffing requirements of an emergency response facility. The EPIP describes the positions that comprise minimum staffing and how their duties are carried out. The EPIP may also include other staff positions and respective duties that are not described in the emergency plan. Once the NRC dockets the licensee's certifications confirming cessation of operation and removal of fuel from the reactor vessel, the licensee is no longer authorized to operate the reactor or place fuel into the reactor vessel (Ref 10 C.F.R. 50.82). The emergency planning demands of defueled plants are logically and should be substantially different from the operating plants. In such cases, the station may determine the staff not listed in the emergency plan may no longer be needed and the requirement for the staff removed from the EPIP.

Proposed Solution:

Licensee may remove statements/processes/steps/actions in EPIPs that do not implement programmatic elements of the emergency plan. This change can be made outside the 50.54(q)(3) process.

NRC Response:

Section 3.5, "Emergency Plan," of Regulatory Guide (RG) 1.219, "Guidance on Making Changes to Emergency Plans for Nuclear Power Reactors," discusses what constitutes the "emergency plan" as defined in 10 CFR 50.54(q)(1)(ii). As stated in Section 3.5.c, subtier documents such as EPIPs are generally not considered to be part of the emergency plan and are not subject to the change process of 10 CFR 50.54(q)(3). However, if the EPIP does contain programmatic descriptions not included in the emergency plan, then the 10 CFR 50.54(q)(3) change process applies to the EPIP. Programmatic descriptions (e.g., staffing levels, Emergency Action Level (EAL) schemes, descriptions of resources, capabilities and methods, etc.) demonstrate how the licensee complies with the applicable regulatory

requirements. Consistent with RG 1.219, EPIP content that provides *methods* for implementing the programmatic descriptions (e.g., step-by-step instructions, data sheets and forms for documenting the activity, training rosters, etc.), rather than programmatic descriptions, may be removed by the licensee outside of the 10 CFR 50.54(q)(3) change process. The remaining EPIP content must effectively support the programmatic descriptions in the emergency plan if the Emergency Response Organization is to successfully perform these activities.